



environmental consultants, inc.

www.jbrenv.com

8160 S. Highland Drive • Sandy, Utah 84093 • [P] 801.943.4144 • [F] 801.942.1852

February 1, 2006

Mr. Daron Haddock  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

*Hand Delivered*

Dear Mr. Haddock:

Enclosed is one copy of the Notice of Intention to Commence Small Mining Operations for the Rock Canyon Quarry, Utah County, Utah. JBR is submitting this Notice on behalf of Mr. Richard Davis. The application fee is included with the submittal. Feel free to contact me at JBR (943-4144) if you have questions on this Notice, or if further information is required by the Division. Thank you.

Linda Matthews

A handwritten signature in black ink, appearing to read "Linda Matthews". The signature is fluid and cursive, with a large loop at the end.

JBR Environmental Consultants, Inc.

Enclosure

Cc: Mr. Christopher Jones – Pruitt Gushee  
Mr. Richard Davis  
Ms. Camille Williams – Provo City  
Uinta National Forest Supervisor's Office

RECEIVED  
FEB 02 2006  
DIV. OF OIL, GAS & MINING

0001

51049/054

# **Notice of Intention to Commence Small Mining Operations Rock Canyon Quarry Utah County, Utah**



*Submitted by:*

Mr. Richard Davis  
Provo, Utah

*to:*

Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

*Prepared by:*

JBR Environmental Consultants, Inc.  
8160 S. Highland Drive  
Sandy, Utah 84093  
(801) 943-4144

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to  
Commence Small Mining Operations  
Rock Canyon Quarry  
Utah County, Utah**

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**DIV. OF OIL, GAS & MINING**

# **Notice of Intention to Commence Small Mining Operations Rock Canyon Quarry**

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## **Introduction/Project Background**

The Peay's Dream Mine (Rock Canyon) is located in Utah County east of Provo, Utah. (See Figure 1). Landscaping and decorative rock comprised of yellow quartzite is present on both the north and south side slopes of the narrow, steep canyon known as Rock Canyon. The subject property is owned by Richard Davis and is located on the Peay's Dream Mine patented mining claim, one of several contiguous patented mining claims Mr. Davis owns in fee near the mouth of Rock Canyon.

Rock Canyon is a narrow-bottomed canyon drained by an intermittent stream. Canyon walls are steep, with some areas forested and other areas comprised of bare talus, detached rock slabs, or exposed bedrock. Asphalted trails, 8-10 feet wide, are used to access Rock Canyon and are located in the canyon bottom along both sides of the stream channel. Rock Canyon Trailhead Park, at the base of the canyon, includes a pavilion, parking area, restrooms, and interpretive signs. Access to the asphalt trails is gated beyond the parking area. Mr. Davis has rights of vehicular ingress and egress through this gate, as did his predecessors in interest.

Rock Canyon has a long history of activity and use. The canyon was settled in the 1860's by pioneer families. The land was farmed and over-grazed, leading to a disastrous flood in 1936. Prospecting and some activities related to gold mining have taken place in the canyon; rock mining occurred in the 1970's. The existing quartzite rock mine has never been fully developed and existing disturbance is estimated at about 1/3 acre. The disturbed areas included access ramps on both the north and south sides of the canyon, a channel crossing where vegetation has been removed, and slopes where rock has been manipulated. This site was partially disturbed in 2003 during exploration activities associated with determining the feasibility of mining this quartzite. Reclamation work for this disturbance has been scheduled for Spring 2006 under an approved UDOGM Reclamation Plan. There are no features such as pits, constructed highwalls, adits, shafts, or drill holes. Similarly, there are no surface facilities such as buildings, utilities, pads, or ponds. Lastly, there is no known deleterious or acid-forming material, surface equipment, trash, scrap, extraneous debris, or other materials incident to mining.

## **Notice of Intention to Commence Small Mining Operations Rock Canyon Quarry**

This Notice of Intention (NOI) is submitted to the Utah Division of Oil, Gas and Mining in compliance with part R647-3-104 of the Utah Minerals Reclamation Program.

### **I. R647-3-104 General Information**

1. **Mine Name:** Peay's Dream Mine (Rock Canyon)
2. **Name of Permittee/ Operator/ Applicant:** Richard W. Davis, an individual.  
Address: 1483 East Springdell Drive, Provo, Utah 84604  
Phone: 801-226-2760 Fax: 801-225-4733
3. **Permanent Address:** same as above  
Phone: 801-226-2760 Fax: 801-225-4733
4. **Company Representative:** same as above
5. **Location of Operation:** Utah County, Utah  
  
T6S, R3E, SLBM  
Section 29: SW ¼ of NE ¼ of SE ¼
6. **Ownership of the Land Surface:**  
Private (fee) ownership  
Richard W. Davis (75% undivided interest)  
Red Slab, LLC (25% undivided interest)<sup>1</sup>
7. **Owners of Record of the Minerals to be Mined:**  
Private (fee) ownership  
Richard W. Davis (75% undivided interest)  
Red Slab, LLC (25% undivided interest)<sup>2</sup>
8. **BLM Lease or Project File Number(s):** N/A

<sup>1</sup> It should be noted that Mr. Davis disputes the validity of Red Slab, LLC's claim to the subject property (See *Richard Davis v. Greg Sperry, Stephen Kapelow, Loren Kapelow, Design West, LLC, Red Slab, LLC, John L. Valentine, and Provo City Corporation*, Civil No. 00403760 (4<sup>th</sup> District Court, Utah County)). It should be further noted that Red Slab, LLC has conveyed a conservation easement covering its claimed undivided interest in the property the validity of which is likewise disputed by Mr. Davis in the cited litigation.

<sup>2</sup> See Note 1, *Supra*.

**9. Adjacent Land Owners:**

**U.S. Forest Service, Uinta National Forest, Pleasant Grove Ranger District (801-785-3563)**

**10. Have the land, mineral, and adjacent landowners been notified in writing?** The adjacent landowner is being notified concurrently with the submittal of this NOI.

**11. Does the Permittee/ Operator have legal right to enter and conduct mining operations on the land covered by this notice?** Yes. Mr. Davis would acquire all applicable city or county authorizations prior to commencing mining.

**II. R647-3-105 Project Location and Map**

The project is located in Rock Canyon, Utah County, Utah. Rock Canyon is located in the Wasatch Mountains in north-central Utah and is known for its colorful quartzite stone and shear fractured rock faces. The mouth of the canyon is within the Uinta National Forest. The project area is uphill from the mouth of the canyon within private lands surrounded by Uinta National Forest lands. The project area is accessed by a Utah County road crossing these Forest Service lands. USGS 7.5 minute topography is shown on the Bridal Veil Falls quadrangle map. Property boundaries and access are shown on Figure 2.





**North side of Rock Canyon**

Rock Canyon has historically been used for mining, agriculture and livestock grazing, and in recent years for recreation. The canyon area also provides habitat for wildlife.

### **III. R647-3-106      Operation Plan**

- 1. Mining type:** Surface
- 2. Mineral to be mined:** Decorative landscape rock – yellow quartzite
- 4. Amount to be mined:** Approximately 536,958 bank cubic yards of material are planned for extraction from 2.6 acres within the parcel outlined in Figure 2.
- 5. Water or chemicals/solutions to be used in mining/milling process:** None
- 6. Type of mining/processing operations:**

Mining of landscape rock will be conducted by pulling down material, and breaking it apart. Mining would proceed from the top elevation downward. During the mining process, the overall slope at any time would be less than the existing rock wall. The current rock surface stands at an angle of 60 degrees or more. The less consolidated rock that can be pulled down will be taken with wire

ropes and/or pry bars assisted with a backhoe or dozer. Consolidated rock would be broken apart with a pneumatically operated hydraulic hammer on a backhoe. Large chunks of rock would be broken down to a manageable/loadable size (approximately one yd<sup>3</sup> or less). The rock would be loaded with a trackhoe or backhoe into 10-12 yd<sup>3</sup> over-the-road haul trucks, and taken to an offsite location for storage and sale.

A safety berm would be constructed below the 5360 crest on the south side of the area to be mined, prior to the start of mining. This berm would be 6-8 feet high, to contain any falling rock and prevent it from proceeding further downslope or entering the stream channel.

The excavation work is expected to be slow and deliberate. No blasting materials would be used. No onsite crushers would be used. No permanent facilities would be constructed. The mine would operate approximately 10 hours per day, Monday through Friday. Operations may be limited to daylight hours during the winter months. Depending upon the quantity of rock pulled down and broken apart daily, it is possible that several truckloads/day would be transported from the site.

**7. New roads:** None proposed

**8. Improved roads:** length 1500 ft. width: widen by 5 to 10 feet ft.  
Current asphalt trail (approximately 8-10 feet wide) from USFS boundary to within claim would be improved to match design of existing road from Rock Canyon Trailhead Park to USFS boundary. Maximum road width would be 20 feet.

**9. Total surface area to be disturbed:** approximately 3.1 acres (2.6 acres mining area + .5 acres improved roads)

**10. Project startup:** April 2006 (after completion of UDOGM required reclamation referenced in the Introduction hereto).

**11. Project completion:** Not known





**Rock outcrops, north side of Rock Canyon within claim**

#### **IV. R647-3-107, 108, & 109 Operation and Reclamation Practices**

Mr. Davis' operation will conform to the following practices unless the Division grants a variance in writing:

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.

The mining would be surface mining. Any shafts or tunnels discovered in the active mining area from previous mining activity would be sealed per requirements or mined through.

3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination

There would be no drill holes other than for non-explosive expansion of rock. Such drill holes would not encounter fluids and there is therefore no risk of aquifer contamination.



4. Construct berms, fences, or barriers, when needed, above highwalls and excavations

Fences would be constructed to restrict access to active mining areas from the base of the canyon; there would be no excavations below surface area of the surrounding land surface – no pits or depressions would be created; access to the active mining area would be gated during days/times the mine is not operating. Vehicular access to the area itself is restricted by the existing gate at the Forest boundary. There would be no access to highwalls from above.

5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.

No deleterious or potentially deleterious materials would be utilized for mining or transporting the extracted material.

6. Remove all waste or debris from stream channels.

Any rock debris that rolls into the stream channel would be removed. The potential for such debris entering the channel would be minimized by the construction of a 6-8 foot berm between the active mining area and the stream channel.

7. Dispose of any trash, scrap metal, wood, machinery, and buildings.

All trash would be disposed of on a regular basis. There would be no permanent structures onsite requiring demolition at the end of mining. Machinery, including the backhoe and dozer to be used for mining, would be removed from the site at the end of mining.

8. Conduct mining activities so as to minimize erosion and control sediment.

There would be no mining-related activity within 50 feet of the stream channel. No fine rock would be produced that could contribute sediment to downstream waters; all rock sizes would be loaded and removed from the site as product. The safety berm at the base of the active mining area would contain any falling rock and prevent it from entering the stream channel.

9. Reclaim all roads that are not part of a permanent transportation system.

The trails that are widened to support haul trucks would be reclaimed back to original width at the end of mining.

10. Stockpile topsoil and suitable overburden prior to mining.

There is no overburden or topsoil located in the area to be mined and thus no need to stockpile; the landscape rock outcrops/rock formations have no soil cover; the rock materials would all be saleable. There would be no waste rock dumps.

11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.

The exposed rock surfaces left at the end of mining would be comprised of bedrock which is benched and left at an overall slope of approximately 60 degrees to approximate the original slope of the rock face. A slope of 45 degrees would be impossible to attain due to removal of rock nor would it meet approximate original contours. There would be no overburden or stockpiled topsoil. Any topsoil needed for reclamation would be hauled in from an offsite source.

12. Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.

The 1-acre fairly level area at the base of the highwall would be scarified to provide a base for the topsoil and compost. The surface would be left rough. The access-related disturbance in currently vegetated areas would be ripped to prepare for seeding.

13. Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)

Any areas disturbed along access routes near the base of the canyon would be reseeded with a seed mix approved by the Division. The area to be mined is a rock outcrop generally bare of vegetation, and as such, disturbance would be generally limited to rock surfaces. The surface remaining at the end of mining will be a similar bare rock surface, benched as a highwall. Seeding such a surface is not possible and this requirement, relative to the disturbed rock face, is inapplicable. The mining pad of approximately 1 acre would be reseeded in order to provide additional wildlife habitat in the mouth of the canyon.

The recommended seed mix for access-related disturbance and for the mining pad is described in the Rock Canyon Reclamation Plan (JBR 2005), and listed below.

RECLAMATION SEED MIX

Species		Broadcast Rate
Scientific Name	Common Name	Pounds/Acre Broadcast
<i>Atriplex canescens</i>	Fourwing Saltbush	2
<i>Artemisia tridentata vaseyana</i>	Mountain big sagebrush	0.2
<i>Achnatherum hymenoides</i>	Indian Ricegrass	3
<i>Calamovilfa longifolia</i>	Prairie Sandreed	2
<i>Elymus lanceolatus</i>	Thickspike Wheatgrass	2
<i>Hesperostipa comata</i>	Needle & Thread	5
<i>Oenothera pallida</i>	White Evening Primrose	1

<i>Penstemon eatonii</i>	Firecracker Penstemon	1
<i>Aster chilensis</i>	Pacific aster	0.2
<b>Total</b>		16.4

14. Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.

Areas that are planned for reclamation would be broadcast seeded in the fall once mining is complete. To promote successful revegetation, foot access to this seeded area would be discouraged with signs noting the reclamation efforts.

The proposed post-mining land use would be as open space and wildlife habitat, or possibly as low density residential under the A-40 zoning allowance.

#### **V. R647-3-110 Variance Request**

No variances are requested from the Division's list (above) of operation and reclamation practices

#### **VI. Mined Land Reclamation Act 40-8-7(1)[c] Surety**

The reclamation contract and surety will be provided to the Division for approval prior to start of operations. Surety for small mines is escalated 3 years into the future. Surety calculation tables are included in **Appendix A**.

##### **Scarify, topsoil, seed, mulch mining base area. \$ 680**

The fairly level bedrock pad (1 acre) at the base of the highwall would be scarified; topsoil (12 inches) added, and the surface left rough for seeding. The area would be broadcast seeded and mulched. The recommended seed mix is shown above.

##### **Import topsoil from offsite source. \$29,703**

Load and haul topsoil from local offsite source.

##### **Ripping and seeding access road (back to original width). \$ 351**

The portions of access roads to be reclaimed (maximum .5 acres) would be ripped; topsoil (12 inches) added, and the surface left rough for seeding. Mulch would be applied.

##### **Equipment mobilization/demobilization. \$ 4,000**

Dozer	\$2000
Backhoe	\$2000



<b>Reclamation Total</b>	<b>\$34,734</b>
<b>Supervision during reclamation.</b> 10 percent of reclamation total	<b>\$ 3,473</b>
<b>Subtotal (1)</b>	<b>\$38,207</b>
<b>Contingency (10%)</b>	<b>\$ 3,821</b>
<b>Subtotal (2)</b>	<b>\$42,028</b>
<b>Escalation (for 3 yrs. @ 1.2% per yr.)</b>	<b>\$ 1,530</b>
<hr/>	
<b>TOTAL</b>	<b>\$43,558</b>
	<b>Rounded TOTAL \$43,600</b>

#### **VII. Act 40-8-7(1)[i] Permit Fee**

The \$150 permit fee is included with this application.

The following persons are authorized and designated to receive Notices of Violations, Cessation Orders and all other Notices required by the Division to be given to the permittee or operator:

Christopher A. Jones  
Pruitt Gushee  
48 West Market St., Suite 300  
Salt Lake City, UT 84101

Phone: (801) 531-8446  
Fax: (801) 531-8468  
E-Mail: caj@pruittgushee.com

Richard Davis  
1483 East Springdell Drive  
Provo, Utah 84604

Phone: (801) 226-2760  
Fax: (801) 225-4733

### VIII. Signature Requirement

- \_\_\_\_\_ ☒ I have enclosed the required permit fee.
- \_\_\_\_\_ ☐ I have enclosed a complete Reclamation Contract (Form MR-RC) and the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished.
- \_\_\_\_\_ ☒ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

### CERTIFICATION

I state under penalty of perjury under the laws of the state of Utah and the United State of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of the Oil, Gas and Mining.
- c. **This certification must be executed by an executive officer if the applicant is a corporation; by a partner if applicant is a partnership (general or limited); owner if applicant is a sole proprietorship; member or manager if applicant is a limited liability company.**

Signature: Richard Davis Date: 2-01-06

Name (typed or printed): Richard Davis

Title/Position (if applicable): \_\_\_\_\_

## **References**

JBR, 2005. Reclamation Plan for Peay's Dream Mine (Rock Canyon), Utah County, Utah.

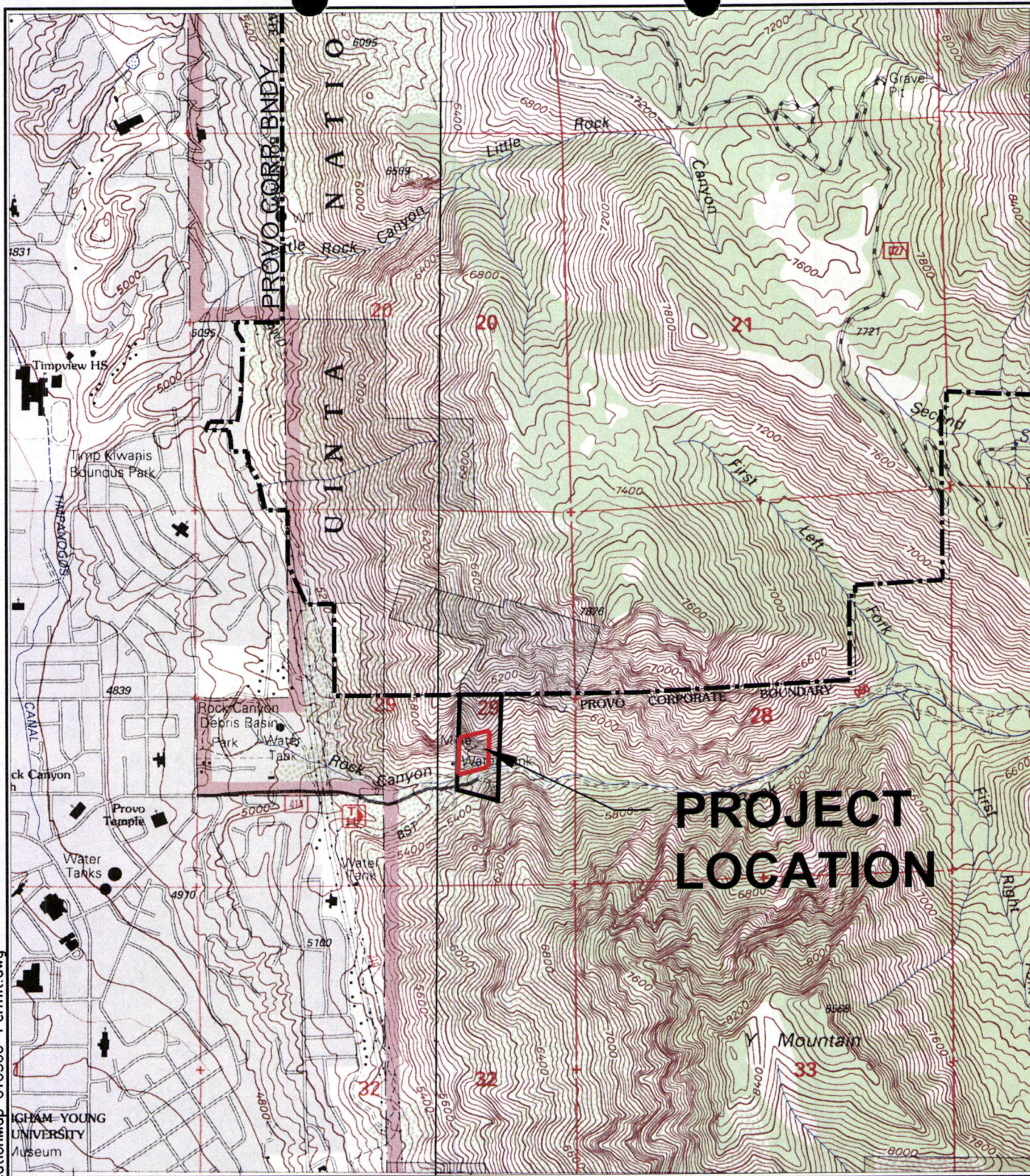
State of Utah Department of Natural Resources, Division of Oil, Gas and Mining. Form MR-SMO (revised October 20, 2005).

Utah Administrative Code R647-3. Small Mining Operations. As in effect on November 1, 2005.



## Figures





Base from USGS topographic bases: Orem, Utah, 1998 and Bridal Veil Falls, Utah, 1998

#### EXPLANATION

--- PROVO CORPORATE BOUNDARY

2000 0 2000 FEET



## ROCK CANYON UTAH COUNTY, UTAH

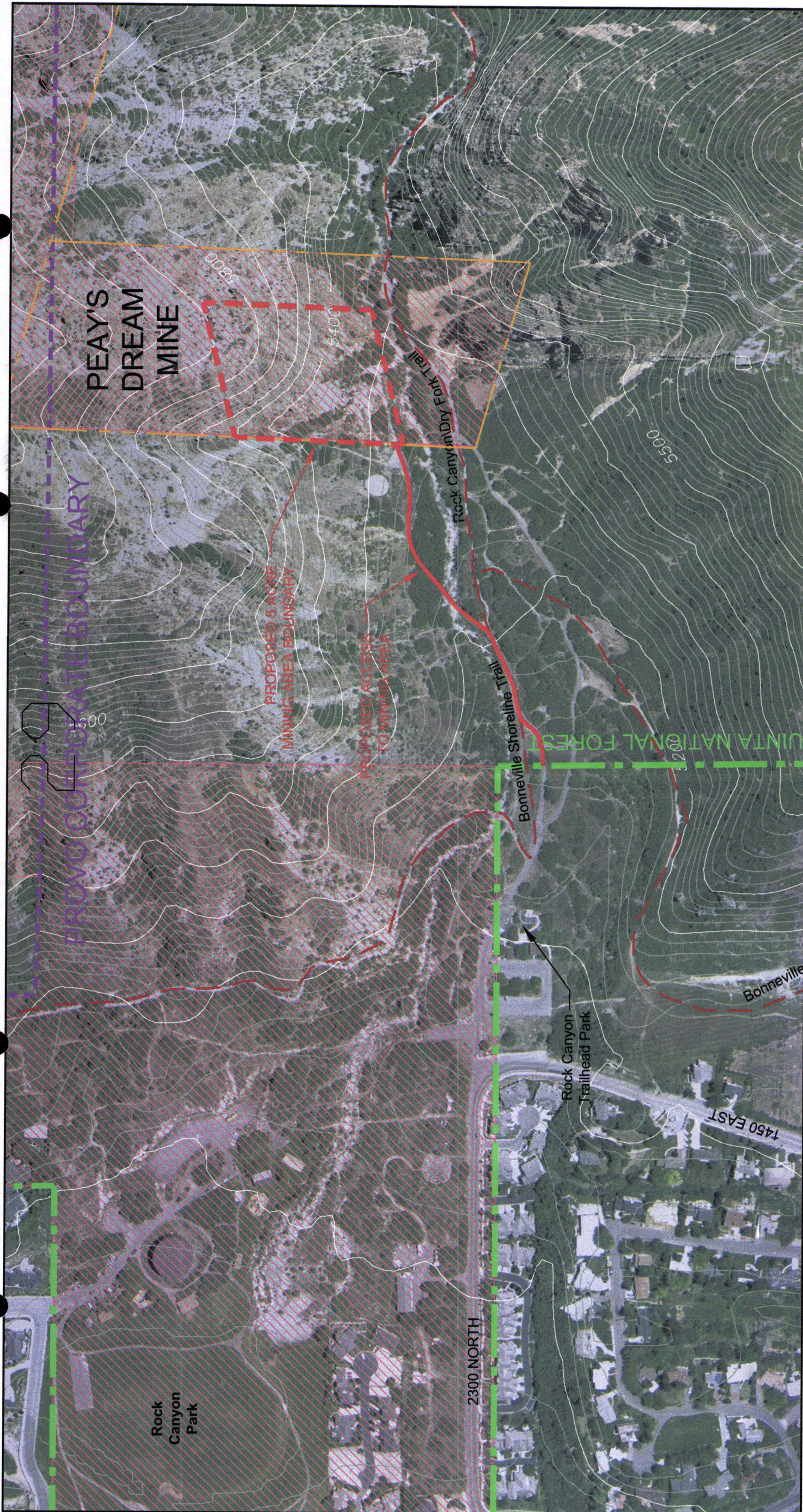
### FIGURE 1 LOCATION MAP

**jbr**  
environmental consultants, inc.

DESIGN BY BB DRAWN BY CP CH'D BY SCALE 1: 24,000

DATE DRAWN	5/3/04
REVISION	1/5/06





PEAY'S DREAM MINE

PROPOSED 5 ACRE MINING AREA BOUNDARY

PROPOSED ACCESS TO MINING AREA

Rock Canyon Fork Trail

Bonneville Shoreline Trail

Rock Canyon Trailhead Park

1450 EAST

2300 NORTH

5400

5500

5600

5700

5800

5900

6000

6100

6200

6300

6400

6500

6600

6700

6800

6900

7000

7100

7200

7300

7400

7500

7600

7700

7800

7900

8000

8100

8200

8300

8400

8500

8600

8700

8800

8900

9000

9100

9200

9300

9400

9500

9600

9700

9800

9900

10000

PROVO CORPORATE BOUNDARY

UINTA NATIONAL FOREST

Rock Canyon Park

Bonneville

EXPLANATION

- CLAIM BOUNDARY
- PROVO CORPORATE BOUNDARY
- UINTA NATIONAL FOREST BOUNDARY
- NON-NATIONAL FOREST SYSTEM LANDS WITHIN THE NATIONAL FOREST
- TRAILS

300 0 300 FEET

N

environmental consultants, inc.

DESIGN BY BB DRAWN BY BP CTD BY

SCALE 1:3600

REVISION 01/05/06

DATE DRAWN 3/31/05

ROCK CANYON

UTAH COUNTY, UTAH

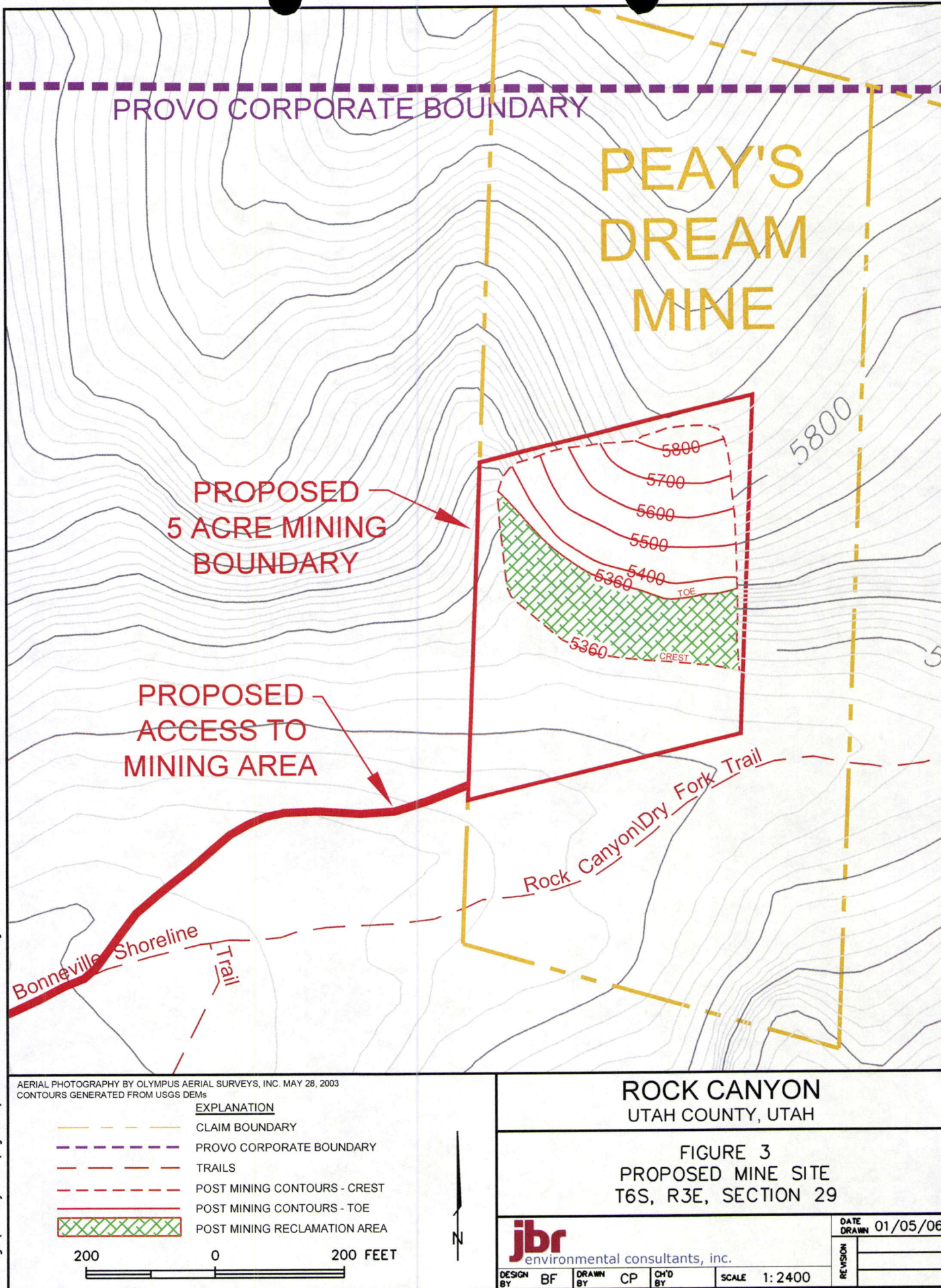
FIGURE 2

SITE MAP

T6S, R3E, SECTION 29



drawings\RockCyn-01\Fig3 Proposed Mine Area-Permit.dwg





**Appendix A**  
**Surety Calculations**

ROCK CANYON RECLAMATION COST ESTIMATE 1/31/06						
SUBSEQUENT TO COMPLETION OF MINING WITHIN 5-ACRE PLOT						
NO.	ITEM					COSTS
		area (ac)	depth (ft)	vol (lcy)	\$/lcy	
1	Import topsoil (loading)	1.52	1.00	2447	7.60	18595
	Means2005 - 02315-210-6075					
		area (ac)	depth (ft)	vol (lcy)	\$/lcy	
2	Import topsoil (hauling)	1.52	1.00	2447	4.54	11108
	Means2005 - 02315-490-1100					
				area (ac)	reveg \$/ac	
3	reveg 5360 floor			1.00	680	680
		length	width	area (ac)	reveg \$/ac	
4	reveg access road	1500	15	0.52	680	351
		D9 dozer	backhoe			
5	Mobilization/Demob	2000	2000			4000
			RECLAMATION TOTAL			34734
			RECLAMATION SUPERVISION(10%)			3473
				SUBTOTAL (1)		38207
				CONTINGENCY(10%)		3821
				SUBTOTAL (2)		42028
				ESCALATION (1.2% for 3 yrs)	\$	1,530
				GRAND TOTAL	\$	43,558
				ROUNDED GRAND TOTAL	\$	43,600



ZION FIRST NATIONAL BANK  
Sugar House Office 2200 Highland Drive  
Salt Lake City, Utah 84106

**PRUITT GUSHEE** 7/97  
**A PROFESSIONAL CORPORATION**  
48 WEST MARKET STREET, SUITE 300  
SALT LAKE CITY, UT 84101  
PH. 801-531-8446

18173

31-5/1

02/01/2006

PAY TO THE  
ORDER OF

Utah Div. of Oil, Gas & Mining

\$ \*\*150.00

One Hundred Fifty and 00/100

DOLLAR

TWO SIGNATURES REQUIRED  
DIRECTOR SIGNATURE REQUIRED

MEMO

PRUITT GUSHEE

A PROFESSIONAL CORPORATION

Utah Div. of Oil, Gas & Mining  
400 · Direct Client Expense:404 · Recordi 2274.01 Filing Fees

02/01/2006

18173

150.00

RECEIVED  
FEB 02 2006  
DIV. OF OIL, GAS & MINING

Checking/MM/Sweep

150.00